

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No.24041 of 2015

Date of Decision :17.11.2015

Ram Mehar

....Petitioner

Versus

State of Haryana and others

...Respondents

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER

....

Present: Mr.Anil Kumar Bhardwaj, Advocate
for the petitioner.

.....

MAHESH GROVER. J.

The petitioner makes a multi-fold prayer in this writ petition : (i) issue a writ in the nature of mandamus directing respondents No.5 and 6 to supply the documents to the petitioner as sought by him under the Right to Information Act, 2005; (ii) directions be issued to respondent No.3 to initiate legal action on administrative side regarding missing documents; (iii) issue a writ in the nature of quo-warranto commanding respondent No.7 to vacate the post of Superintendent of Police, Rewari.

The petitioner proclaims himself to be an RTI activist and by virtue of Annexure P-1 sought information to the following effect :-

- “1. Whether any enquiry was got conducted from the concerned University about the B.A.educational certificate of S.P.Manbir Singh.
2. If an enquiry was got conducted about the B.A.educational certificate, please supply copy of report.
3. Please give photocopy of B.A.Certificate.
Prescribed fee as per Postal Order No.77G 73661 is enclosed.”

The respondents replied that the certificate of graduation pertaining to respondent No.7 is not on file. The petitioner then filed appeals before the State Information Commission which have now been disposed of. The Commissioners noticed that sincere efforts were made by the respondent-SPIO to look the relevant record but unable to do so, the information could not be passed on to the petitioner. The Commissioner then noticed lack of mala fides on the part of the SPIO but also observed that non-availability of a certificate establishing educational qualification of an employee is a serious lapse on the part of a public authority and thought it prudent to refer the matter to the Director General of Police, Haryana to sort out the matter on the administrative side.

If the information sought by the petitioner is seen, then

apart from the fact that he demands a certificate reflecting on the educational qualification of respondent No.7. It pre-supposes its falsity as in the very same breath he is soliciting information regarding an inquiry on the issue of bogus certificate and its verification from the concerned university. It is unclear as to how the petitioner himself has concluded that there was a fabricated or bogus certificate used to obtain employment by respondent No.7. In any eventuality, this aspect need not be commented upon any further but the court notices that the document indicating educational qualification of an employee not being on record is a serious issue particularly when the incumbent holds a position of authority high up in the hierarchy of the police department. This aspect certainly needs to be looked into further as has been rightly observed by the Commissioner. The Director General of Police would do well to take serious note of the matter and establish as to how the certificate is not on the file.

In so far as the quo-warranto is concerned, the court is not entirely convinced about the bona fides of the petitioner himself who proceeds on a supposition of respondent No.7 being unqualified for the job or having gained employment on the strength of a forged certificate. There is no suggestive material in this regard. Consequently, his prayer for quo-warranto is rejected.

The writ petition is disposed of with a direction to the Director

General of Police, Haryana to take stock of the situation as to
how a certificate is missing from the records.

17.11.2015
dss

(MAHESH GROVER)
JUDGE